

**BEFORE THE COMMISSIONER OF INSURANCE
OF THE STATE OF KANSAS**

In the Matter of Equitable Life &)
Casualty Insurance Company)

Docket No. 3104-CO

CONSENT ORDER

Equitable Life & Casualty Insurance Company wishes to resolve this matter without formal adjudicative proceedings by entering into this consent order. The Commissioner of Insurance ("Commissioner") hereby makes the following findings of fact, conclusions of law, and order, to-wit:

Findings of Fact

1. Equitable Life & Casualty Insurance Company ("Equitable") is a stock insurance company authorized to transact the business of insurance in the State of Kansas with its office located at III Triad Center, Suite 200, Salt Lake City, UT 84180 and is subject to statutes regulating the business of insurance.

2. The Commissioner of Insurance ("the Commissioner") has jurisdiction over the subject matter of this proceeding, and this proceeding is held in the public interest.

3. On November 19, 2001, Equitable filed form number "920-A (Rev.) KS" with the Kansas Insurance Department ("KID").

4. On April 22, 2002, KID found violations of Kansas Administrative Regulation ("K.A.R.") 40-4-35, Sections 11(A) and 15(B) in the filing. KID wrote Equitable regarding the violations and advised that corrected premium rate pages should be submitted.

5. On May 17, 2002, KID sent a letter to Equitable reminding the company that revised filings were needed.
6. On June 17, 2002, KID left a voice mail message for Jana Peterson, Compliance Specialist at Equitable regarding the filing.
7. On June 19, 2002, Jana Peterson called and stated she would work on the issue that week.
8. On July 8, 2002, a second reminder was mailed to Equitable by KID regarding the filing.
9. On August 1, 2002, a letter was sent to Equitable requesting a reason for the delay in answering the inquiries regarding the filing and advising the company that could be subject to penalties for not responding.
10. On August 23, 2002, Jana Peterson said that the rates would be sent that day.

Conclusions of Law

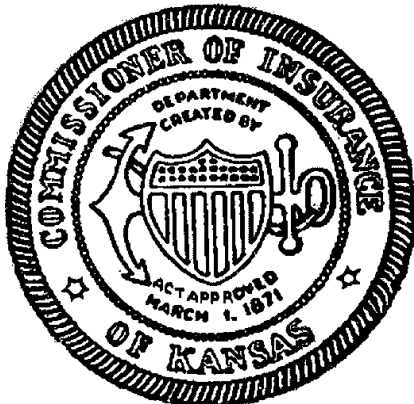
1. K.S.A. 40-2,125(b) provides:

If any person fails to file any report or other information with the commissioner as required by statute or fails to respond to any proper inquiry of the commissioner, the commissioner, after notice and opportunity for hearing, may impose a penalty of up to \$500 for each violation or act, along with an additional penalty of up to \$100 for each week thereafter that such report or other information is not provided to the commissioner.
2. Based on the information contained in paragraphs three (3) through ten (10) above, it appears that Equitable Life & Casualty Insurance Company intentionally failed to respond to a proper inquiry by this department in violation of K.S.A. 40-2,125(b) and is fined \$500 for each violation and \$100 for each week thereafter.

IT IS THEREFORE, BY THE COMMISSIONER OF INSURANCE, ORDERED THAT:

Equitable Life & Casualty Insurance Company shall remit to the Kansas Insurance Department an administrative penalty in the sum of one thousand eight hundred dollars (\$1,800) for violating K.S.A. 40-2,125(b).

IT IS SO ORDERED THIS 19th DAY OF DECEMBER, 2002, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.



/s/ Kathleen Sebelius
Kathleen Sebelius
Commissioner of Insurance

/s/ Kendall Surfass
Kendall Surfass
Secretary
Equitable Life & Casualty Insurance Company

SUBMITTED AND APPROVED BY:

/s/ Deletria L. Nash
Deletria L. Nash
Attorney for Petitioner
Kansas Insurance Department